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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR

## USA Commercial Mortgage Company,

## Chapter 11

Debtor.

## Reply to the Response by Ovca Associates, Inc. Defined Pension Plan

Hearing Date: September 30, 2011

Hearing Time: 9:30 p.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust replies to the filing by Ovca Associates, Inc. Defined Pension Plan (“Ovca”) docketed at DE 9035 on September 2, 2011.

On January 8, 2007, this Court entered its Order Confirming the “Debtors’ Third Amended Joint Chapter 11 Plan of Reorganization” as Modified Herein [Docket No. 2376]. As part of the Plan, and pursuant to an Asset Purchase Agreement filed with this Court, USACM sold the servicing rights to most of the loans it serviced to Compass Partners, LLC and Compass Financial Partners, LLC (“Compass”), including the HFAH Clear Lake Loan. The sale to Compass closed on February 16, 2007.

The USACM Trust exists as of the Effective Date of the Plan, which was March 12, 2007. Geoffrey L. Berman is the Trustee. Under the Plan, the USACM Trust is the successor to USACM with respect to standing to seek allowance and disallowance of Claims under 11 U.S.C. § 502(a).



The Trust is reviewing proofs of claim and making its recommendations to the Court as to those which are valid and those which do not appear to be valid. The Trust has filed objections to claims arising out of the direct loan known as HFAH Clear Lake.

Ovca responds with an *ad hominem*, alleging that the Trust has engaged in misconduct. Mr. Ovca, who is not a lawyer, offers no facts in support of his allegations, which are slanderous (and untrue).

The Trust respectfully requests that the Ovca objection be denied in the strongest possible terms.

DATED this 19th day of September, 2011.

## LEWIS AND ROCA LLP

By /s/ Robert M. Charles, Jr. (6593)  
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Copy of the foregoing mailed by first class postage prepaid U.S. Mail on September 19, 2011 to:

OVCA ASSOCIATES, INC. DEFINED PENSION PLAN  
Attn: William J. Ovca, Jr., Trustee  
410 Upper Lake Road  
Lake Sherwood, CA 91361

LEWIS AND ROCA LLP

/s/      Renee L. Creswell  
Renee L. Creswell